

POULSBO CITY COUNCIL MEETING OF MARCH 11, 2020

MINUTES

PRESENT: Mayor Erickson; Councilmembers Livdahl, Lord, McGinty, McVey, Musgrove, Phillips.

Staff: Finance Director Booher, City Clerk Fernandez, Planning Director Boughton, Public Works Superintendent Lund, Human Resources Manager Kingery, IT Senior Technician Williamson, Public Works Office Manager Wood, Senior Engineering Technician Burgess, Risk Manager/City Attorney Foster, Police Chief Schoonmaker.

REMOTE ATTENDANCE: Councilmember Stern

MAJOR BUSINESS ITEMS

- * * * January 8, 2020 Meeting Minutes
- * * * January 22, 2020 Meeting Minutes
- * * * February 5, 2020 Meeting Minutes
- * * * Acceptance of 2019 Donations
- * * * Payable Disbursements for January 2020
- * * * Payable Disbursements for February 2020
- * * * Resolution No. 2020-06, Revised Salaries & Wages
- * * * Ordinance No. 2020-04, Plastic Bag Regulations
- * * * 3rd of July Fireworks Special Event Discussion
- * * * Coppertop Utility Extension Agreement
- * * * FatBeam Telecommunications Master Permit
- * * * Ordinance No. 2020-05, 4th Quarter 2019 Budget Amendments
- * * * Anderson Parkway Pole & Tree Removal Cost Discussion
- * * * Ordinance No. 2020-06, Council Committees Update

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Erickson called the meeting to order in the Council Chambers at 7:00 p.m. and led the Pledge of Allegiance.

2. AGENDA APPROVAL

Mayor Erickson noted Councilmember Stern was attending the meeting remotely via phone.

Motion: Move to approve the agenda as presented.

Action: Approve, **Moved by** McGinty, **Seconded by** Lord.

Motion carried.

3. COMMENTS FROM CITIZENS

Molly Lee spoke regarding a declaration of segregation in September 2018 that did not meet the County code or City of Poulsbo code, and then the County removed the tag and stated it was legal. She is going public with her complaint because JWW Group is annexing these parcels into the City. She asks that the City, through their ILA with the County, make the County rescind JWW Group's declaration of segregation and stop the annexation.

Dan Sluys spoke in support of the Poulsbo 3rd of July celebration.

Heather Trimm, the Executive Director of Zero Waste Washington, urged the Councilmembers to support the Plastic Bag Ban Ordinance.

Celena Charlie, Stoney's sister, and Stoney's mother spoke regarding the 3rd of July celebration. The first anniversary is going to be hard, and she and her family will be at the waterfront to mourn. She would appreciate a moment of silence. They both believe things need to change. They thanked them for listening.

Dana Steege Jackson spoke in support of Stonechild's family and asked that the celebration be moved to the 4th of July this year, which would be a good way to celebrate and support the family.

Jo Walter stated that she was surprised and appreciated the idea that there may be a postponement of the July 3rd celebration.

Sandy Kolbeins, the owner of The Loft and Valholl Brewing, stated that he shares the burden of Stonechild's family. He also believes the community needs to grow from the events and come together in order to move forward.

4. MAYOR'S REPORT AND COUNCIL COMMENTS

Councilmember Phillips thanked everyone for coming out and for the emails that were sent over the past week.

Councilmember Musgrove thanked everyone for their input and said it was necessary for them to work through this.

Councilmember McGinty thanked everyone for coming out and for their emails.

Mayor Erickson spoke regarding with COVID-19. She received notice that the Bainbridge Island School District (BISD) closed for two days for deep cleaning, and North Kitsap School District (NKSD) will not have outside activities or access to their building, including the

pool. They are starting the process of social distancing. She asked everyone to be prepared and not panic. Wash your hands. If you are sick, stay home. If you are feeling ill with fever, aches and chills, and it goes on for a few days, call your physician and find out what to do. The Kitsap County Health District is sending out a daily bulletin. She thanked everyone for the emails and the love they show for the city.

Councilmember Lord thanked everyone for their emails and comments.

Councilmember Livdahl thanked everyone for coming here and participating, especially Stonechild's family.

Councilmember McVey thanked everyone for their participation.

5. CONSENT AGENDA

Motion: Move to approve Consent Agenda items a through f.

The items listed are:

- a.** January 8, 2020 Meeting Minutes Approval
- b.** January 22, 2020 Meeting Minutes Approval
- c.** February 5, 2020 Meeting Minutes Approval
- d.** Acceptance of 2019 Donations
- e.** Payable Disbursements for January 2020
- f.** Payable Disbursements for February 2020

Action: Approve, **Moved by** McGinty, **Seconded by** Lord.
Motion carried.

6. BUSINESS AGENDA

a. Resolution No. 2020-06, Revised Salaries & Wages

Human Resources Director Kingery presented the agenda summary, the City Prosecutor position is currently on Range 20 and it is proposed to move to Range 23 on the Management salary schedule effective April 1, 2020.

Mayor Erickson said this is a market adjustment and she supports this resolution.

Risk Manager/City Attorney Foster said she appreciates the kinds comments from the council and the chief.

In response to Councilmember McVey, Human Resources Director stated they have a set of comparables that they use. This position is unique because it is the prosecuting services as well as the risk manager. They looked at the county salary, and looked internally, and they decided to put it on the same salary range as the deputy chief position.

Motion: Move to approve Resolution No. 2020-06, adopting the 2020 Revised Salary and Wage schedules effective April 1, 2020.

Action: Approve, **Moved by** McGinty, **Seconded by** McVey.
Motion carried.

b. Ordinance No. 2020-04, Plastic Bag Regulations

Public Works Superintendent Lund and Kitsap County Solid Waste Manager Piercy presented the agenda summary, noting that using input received from the public, Kitsap County Solid Waste Division, and the Solid Waste Advisory Committee (SWAC), the attached ordinance was reviewed by the Public Works Committee and City Attorney.

For each recycled paper carryout bag or reusable carryout bag provided by the retail establishments, it may collect a pass-through charge, and such charges shall be clearly indicated on the customer's transaction request.

Exemptions for the pass-through charge include, but are not limited to, Women Infants and Children (WIC), Temporary Assistance to Needy Families (TANF), Federal Supplemental Nutrition Assistance Program (SNAP), food banks, and other food assistance programs.

Kitsap County will be performing outreach to all businesses and will continue with their outreach program, which is already in place for Kitsap County, Bremerton, and Port Orchard.

Reusable bags will be available at all Kitsap Regional Library locations, the North Kitsap Senior Center, and Poulsbo City Hall.

Motion: Move to approve Ordinance No. 2020-04, an ordinance of the City Council of the City of Poulsbo, Washington, adding a new chapter 8.10 to the Poulsbo Municipal Code, regulating the distribution of single-use plastic bags.

Action: Approve, **Moved by** Livdahl, **Seconded by** Lord.

Vote: Motion passed (**summary:** Yes = 6, No = 1, Abstain = 0).

Yes: Livdahl, Lord, McGinty, McVey, Phillips, Stern.

No: Musgrove
Motion carried.

c. 3rd of July Fireworks Special Event Discussion

Police Chief Schoonmaker said he and the Risk Manager/City Prosecutor Foster met and reviewed the City code. First, there has been no event application received, so the vote to approve or deny the event would be premature and outside the established code. Until an application is received, the staff can speak about how the 3rd of July impacts to their departments, but they cannot make a decision. His concerns, from the Police Department, are:

1. Managing the event takes a lot of resources; fortunately, other jurisdictions have given mutual aid from other cities during the event. The event costs the City roughly \$30,000-35,000, which is conservative estimate. The Police Department has patrol duties as well as regular duties during the event.
2. Traffic safety: at the conclusion of the event, it takes 60-90 minutes to leave the city by car. The larger concern is getting emergency vehicles into town if there are people who need aid.
3. There has been no resolution on the events from last year; he believes all these things should be considered as they move forward after receiving the event application.

Risk Manager/City Prosecutor Foster noted that in PMC Chapter 5.30, there is a procedure to determine what departments need for a special event. After that process, the administrator of the permit is the City Clerk. The City Clerk can review everyone's input, and then the City Clerk can approve or deny the permit. If the Clerk denies the event, and the applicant wishes to appeal that denial, the body that hears the appeal is the City Council. If the Council decides tonight, there is concern that the Council could not be the body to hear the appeal and their minds have already been made up. It would deviate from the code.

Councilmember McGinty clarified that it would be inappropriate to discuss the event because the application needs to go through the process, the Clerk makes a decision, then if the applicant wanted to appeal the decision it would come to the Council, and they should not express any opinion on anything they think right now regarding the July 3rd event.

Risk Manager/City Prosecutor Foster confirmed Councilmember McGinty's clarification.

Councilmember McVey said he found this new information disappointing and apologized to everyone who came tonight thinking a decision would be made. He

clarified that the City does not put on the 3rd of July. It is put on by the Viking Fest Corporation, a non-profit organization. Viking Fest has not submitted an application to the City for this event.

Mayor Erickson said she is disappointed, too, that a decision cannot be made tonight. She was briefed on this information at 3:00 p.m. today, and was dismayed, because she knew the room would be filled with members of the public who would be wanting a decision.

Councilmember McGinty restated that the City does not put on the fireworks show. The process is to receive an application for the event and review their plans in order to approve or deny it.

Mayor Erickson recommended tabling the discussion until the application has been received, it has been routed to departments, and then the Clerk comes to a decision.

Motion: Move to table the 3rd of July special event Fireworks discussion.

Action: Approve, **Moved by** McGinty, **Seconded by** Musgrove.

Discussion: Councilmember Stern asked if tabling or taking no action tonight tantamount to a default decision effectively to cancel the fireworks for 2020.

Mayor Erickson answered that is not her understanding. They are tabling the discussion not the action.

Councilmember Stern reiterated that at the last Council meeting there was discussion about there being a critical time in March that the non-profit needed an answer to put the pieces together. He asked for clarification.

Councilmember McGinty agreed with Councilmember Stern's question because the Council was told last week that if they did not make a decision that the event wouldn't take place.

Councilmember Lord stated that she brought this issue up last week, because she thought they were running out of time; however, she was unaware that the City had not received the application and apologized to her colleagues for being premature. No one is used to the new special events ordinance that they just passed. She asked Risk Manager/City Prosecutor Foster if she is advising they don't discuss the details of the event once it is received and circulated throughout the departments.

Risk Manager/City Prosecutor Foster answered that she thinks it might. She understands that there is sometimes discussion in the Community Services Committee about upcoming events. She believes the Council can review costs to the city, hear comments and receive public comments, but it could cause some appearance of

fairness issues if there is a discussion with everyone on the dais regarding the date of the event or conditions to the event.

Councilmember McGinty said the issues brought up tonight have been going on for years. He asked how fast an event permit can get processed. Risk Manager/City Prosecutor Foster thinks the process will go quickly after they receive the complete application.

In response to Councilmember Stern, Mayor Erickson said the application must have a specific date, stating that it does have to have a specific date, location, staffing needs, etc. Chief Schoonmaker reiterated that the date of the event is up to the applicant, not up to the City.

Councilmember McGinty asked if the application could have an either/or for the date of the event. Mayor Erickson said this discussion needs to be truncated in order to preserve their ability to hear an appeal.

Councilmember McGinty asked if they should table the discussion or wait until the application has gone through the process and bring it back as a new agenda item. They would not see any action if the event is approved administratively.

Risk Manager/City Prosecutor Foster agreed with Councilmember McGinty.

Motion: Move to withdraw motion.

Moved by McGinty, **Withdrew Second by** Musgrove.

Councilmember McVey asked if Risk Manager/City Prosecutor Foster could ensure someone in a legal capacity review the recording of the council meetings.

At 8:17 p.m. Councilmember Stern exited the conference call.

d. Coppertop Utility Extension Agreement

Planning Director Boughton presented the agenda summary, noting that a utility extension agreement (UEA) for one connection is requested for a property located adjacent to SR 3 and Ryen Drive NW. The applicant anticipates development of the property with construction of a storage facility.

A UEA requires approval by City Council. Per PMC 13.14.010.B, annexation feasibility determination is necessary prior to UEA decision. The authority to annex territory and provision of utility services is at the sole discretion of City Council, and there is no appeal.

Councilmember Lord stated that they discussed the parameters of annexation and accessibility of a water line at Public Works Committee, and they recommended it.

Motion: Move to determine that annexation that it is unfeasible at this time to circulate an annexation petition for property located in the vicinity of SR 3 and Ryen Drive NW, Planning File 01-27-20-01.

Action: Approve, **Moved by** Lord, **Seconded by** Musgrove.
Motion carried.

Motion: Move to approve the Coppertop Utility Extension Agreement, Engineering File 01-27-20-01 as reflected with the conditions that are part of the package.

Action: Approve, **Moved by** Lord, **Seconded by** McGinty.
Motion carried.

e. FatBeam Telecommunication Master Permit

Senior Engineering Technician Burgess presented the agenda summary, noting FatBeam is a telecommunication utility service provider requesting a Telecommunication Master Permit with associated Franchise Agreement. This agreement is part of a larger county-wide project to provide services to North Kitsap School District. The City's legal team prepared a Master Permit and Franchise Agreement consistent with our current codes and current state statutes. FatBeam has signed this agreement. PMC 11.08 requires City Council approval of any Telecommunication Master Permit before issuance.

Councilmember McVey asked if the City earns revenue from the agreement. Senior Engineering Technician Burgess stated that the City does not. The agreement is a way for the City to manage their installation and how they manage their facilities within the City's right-of-way.

Finance Director Booher explained that they do receive franchise fees from Comcast, but that is only related to cable. Anything with the internet they are not allowed to collect franchise fees.

Councilmember Musgrove asked if there is a reason why groups cannot use existing infrastructure. Senior Engineering Technician Burgess stated that most of the poles in the City are owned by Puget Sound Energy. Every telecommunication provider has

their own fiber line, which they string up on the poles with a separate lease agreement through Puget Sound Energy. It is a new provider and a new line.

Mayor Erickson clarified that Puget Sound Energy wants many lines because they effectively rent the poles.

Councilmember Musgrove wondered if we could require everyone to run on our fiber, instead of running their own. Senior Engineering Technician Burgess said the technical requirement for running fiber for individual providers requires them to have an individual line. He is not familiar with how to require different providers to utilize one cord. Councilmember Musgrove would like to discuss this at a later date at Public Works Committee.

Motion: Move to approve the FatBeam Telecommunication Master Permit E-06-10-19-01 and franchise agreement as prepared by the City of Poulsbo's legal team.

Action: Approve, **Moved by** McGinty, **Seconded by** Lord.

Motion carried.

f. Ordinance No. 2020-05, 4th Quarter 2019 Budget Amendments

Finance Director Booher presented the agenda summary, noting budget amendments for the 4th quarter of 2019 were approved by Council during October, November, and December 2019. Exhibit A includes the amendments and summarizes the revised budget by fund.

At 8:37 p.m., Mayor Erickson asked for any citizen comments regarding the 4th Quarter Budget Amendments. No comments were received.

Motion: Move to adopt Ordinance No. 2020-05, an ordinance for the City of Poulsbo, Washington, amending the 2019-2020 Biennial Budget adopted by Ordinance No. 2018-27 to revise the revenues and appropriations from certain funds and approving an ordinance summary for publication.

Action: Approve, **Moved by** McVey, **Seconded by** McGinty.

Motion carried.

g. Anderson Parkway Pole & Tree Removal Cost Discussion

Public Works Superintendent Lund noted that there are two plum trees in Anderson Parkway that are not doing well. One is unhealthy, and one is directly under a power

lines and blocking the streetlight. Plum trees do not do well with pruning. The City Arborist recommends removing the trees.

He showed a diagram of the downtown power poles. PW Superintendent Lund met with Puget Sound Energy to discuss options, such as adding a pole in the bioswale or moving the lines from one pole underground. The cost for the underground lines is estimated at \$80,000 to \$100,000.

Councilmember Lord said there must be a way to dress up the pole, perhaps a Norwegian maypole.

Councilmember Musgrove had seen in a magazine putting a clam shell around it as a carving to make it a decorative pole.

Councilmember Livdahl asked if there were plans to replace the trees with trees or shrubs. Public Works Superintendent Lund said they are considering replanting with different types of trees.

The Council agreed that \$80,000 to \$100,000 to underground lines for one pole is too expensive, but they recommended art or new trees around the current pole.

h. Ordinance No. 2020-06, Council Committees Update

City Clerk Fernandez presented the agenda summary, noting at the February 5, 2020 City Council meeting, the Poulsbo City Council accepted the Affordable Housing Task Force's recommendations and agreed to form a new Council committee: Housing, Health, and Human Services (HHH) Committee. At the March 4, 2020 Council meeting, the Council confirmed the selection of Councilmembers Livdahl, Lord, and Musgrove to the committee. The committee will meet on the first Wednesday of each month at 4:00 p.m. The first meeting will be April 1, 2020.

Councilmember Musgrove suggesting using the abbreviation of H3C for the committee name.

Motion: Move to adopt Ordinance No. 2020-06, an ordinance of the City of Poulsbo, Washington, amending Section 2.040.030 of the Poulsbo Municipal Code to add the City Council Housing, Health, and Human Services Committee and to establish its duties, meeting times, and staff support; providing for severability and establishing an effective date.

Action: Approve, **Moved by** Lord, **Seconded by** McGinty.

Motion carried.

7. COUNCIL COMMITTEE REPORTS

Public Works Committee: Councilmember Lord reported they discussed the splash pad project, the utility extension agreement, a grant application for federal (STP) money, and a speed limit modification policy discussion.

Community Services Committee: Councilmember Livdahl reported they may need to review the special event ordinance in future meetings. HB-265, which turned into SB-2525, was up for review, but didn't make it. They talked about the tourism promotion area (an opportunity to increase lodging revenue, and it must be brought to the City by lodging establishments), and they must have over 40 rooms, which could be applied to the Poulso Inn and the Guesthouse Suites. This could potentially increase revenues by \$160,000. They reviewed the memorial bench policy, as well as special events permits that were submitted recently (April 11th egg hunt, July 26th rowing event on Liberty Bay, June 20th Mid-Sommers Fest, and June 27th PetsWalk). Parks and Recreation Director gave the committee an update on Rotary Morrow Community Park and Fish Park.

8. DEPARTMENT HEAD COMMENTS

Public Works Superintendent Lund said in response to COVID-19, Public Works is ordering additional chemicals to keep the water system running and safe. They are talking about additional cleanings in the restrooms in the parks and potentially adding hand sanitizer stations in the playgrounds.

Planning Director Boughton asked the Council to look at the email she sent about the Kickoff Workshop for Housing Assessment, and to give her preferred dates. It is looking like it will be April 10th, time to be determined.

Police Chief Schoonmaker said that while tonight might have been disappointing with no resolution, he appreciates all the comments from the public.

9. BOARD/COMMISSION REPORTS

Councilmember Phillips reminded everyone that the NKSD board meeting is tomorrow.

Mayor Erickson noted that the PSRC meetings are cancelled. She has an Emergency Health Board Policy meeting scheduled for tomorrow.

10. CONTINUED COMMENTS FROM CITIZENS

Kris Haight asked that the 3rd of July date be changed, and how to show up as leaders from potential negative outcomes for some members of the community. She also asked for

Officer Keller to be fired from the police force. She asked for an exception to the time limit restriction from the beginning of the meetings.

Rick Eckert said tomorrow's school board meeting is with the Port Gamble S'Klallam Tribe. It will not be a full board or tribal council attendance due to social distancing. The superintendent is in communication with the health district every day. He thanked the Council for approving the wires. They are putting in their own LAN. It will make their network run better for their schools. He mentioned the annexation of the light industrial areas means adding potential areas for sex offender homes to be placed.

Carrie Walker asked for more time at the beginning of the meeting for citizen comments. She asked why Officer Keller has not been fired. She thinks the July 3rd fireworks should be on a different date.

Thomas Wilson feels everything has been brushed aside from the 3rd of July impacts on his cousin Stonechild Chiefstick. He felt a life should have more value than revenues made. His family deserves respect.

Tamara Morgan from Cups Espresso said her heart goes out to those who are mourning. She said COVID-19 is already killing their business, and they are going to scrape by this spring. She has a dozen single moms working for her. The 3rd of July is like Black Friday for restaurants and coffee shops.

Sandy Kolbeins stated that while he doesn't need the 3rd of July for his business, he believes in the 3rd of July celebration for what it does for the community. He told the Council that they need to be leaders and make a decision.

Melvin Borges owns Island Grindz food truck. He knew Stoney personally, and it was a tragic event that happened. The 3rd of July did not kill Stoney; another man did. Stoney would not want the 3rd of July cancelled, but a moment of silence would be appreciated. The community needs to come together and figure out a solution.

Jensay Stone asked for the event to be moved or have an offering of a moment of silence. She feels there is a lot of backlash about the possible cancellation of the 3rd of July, and they are asking for the date to be moved. And she asked for Officer Keller to be fired.

Phillip said the obvious solution is to move the 3rd of July celebrations to July 2nd, which is still not the fourth of July, still be able to have your own unique event, and make a big motion for reconciling what happened next year. The event will continue to live on. Moving the event to another date would be significant to show that the City is committed to reflect how the community can move forward.

Carol Ingles owns Closet Transfer in Poulsbo, and she did not want to come off as disrespectful. She said the 3rd of July has been a tradition for decades. People plan well in

advance to come here. Business owners are dealing with this virus, and it is affecting their bottom line every day. That, along with taking away events, will hurt businesses.

11. MAYOR & COUNCILMEMBER COMMENTS

Councilmember Musgrove said he does not like to see frustration in anyone, and they cannot discuss some issues due to Federal and State laws. He requested a couple small trashcans near the doors inside the restrooms.

Mayor Erickson thanked everyone for coming tonight. She said the Council has a lot of hard decisions to make and asked that they not be judged harshly. She reminded everyone that the decision for prosecution lies with Kitsap County. They will get the special event situation resolved and they will get it figured out as a community. She is proud to live here and have everyone as her neighbors.

Councilmember Lord feels encouraged at some moments and discouraged at other moments during each meeting. She wants to move forward, move on, and she would like to see the 3rd of July situation resolved, and she is frustrated with the special events ordinance that the Council recently passed.

Councilmember Livdahl thanked everyone for attending the meeting and participated.

Councilmember McVey stated that it is nice to see some new faces. He learned that he has a medical condition, so he is considering taking a leave of absence for a month or two. He appreciates everyone's patience.

12. ADJOURNMENT

Motion: Move to adjourn at 9:34 p.m.,

Action: Approve, **Moved by** McVey, **Seconded by** Lord.

Motion carried unanimously.

Rebecca Erickson, Mayor

ATTEST:

Rhiannon Fernandez, CMC, City Clerk